

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2892

**Introduced by Committee on Environmental Safety and Toxic
Materials (Assembly Members Alejo (Chair), Arambula, Lopez,
and McCarty)**

(Coauthor: Assembly Member Ting)

February 29, 2016

An act to amend Section 105206 of the Health and Safety Code,
relating to pesticide poisoning.

LEGISLATIVE COUNSEL'S DIGEST

AB 2892, as amended, Committee on Environmental Safety and
Toxic Materials. Pesticide poisoning.

Existing law, until January 1, 2017, requires, among other things, any
laboratory that performs cholinesterase testing on human blood for an
employer to enable the employer to satisfy his or her responsibilities
for medical supervision of his or her employees who regularly handle
pesticides pursuant to specified regulations or to respond to alleged
exposure to cholinesterase inhibitors or known exposure to the inhibitors
that resulted in illness, to electronically report specified information in
its possession on every person tested to the Department of Pesticide
~~Regulation, which would be~~ *Regulation. The department is* required to
share the information in an electronic format with the Office of
Environmental Health Hazard Assessment (OEHHA) and the State
Department of Public Health on an ongoing basis, as specified.

This bill would extend these ~~provisions~~ *requirements* until January 1, ~~2019~~, 2021. *The bill would require that an employer satisfying his or her responsibilities for medical supervision of employees who regularly handle pesticides contract with a medical supervisor registered with the OEHHA. The bill would require the OEHHA to establish a procedure for registering and deregistering medical supervisors and to establish requirements for their performance. The bill would additionally make specified changes to the information a testing laboratory is required to report to the Department of Pesticide Regulation.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 105206 of the Health and Safety Code
2 is amended to read:
3 105206. (a) ~~A laboratory that performs cholinesterase testing~~
4 ~~on human blood drawn in California for an employer to enable the~~
5 *In order for an employer to satisfy his or her responsibilities for*
6 *medical supervision of his or her employees who regularly handle*
7 *pesticides pursuant to Section 6728 of Title 3 of the California*
8 *Code of Regulations or to respond to alleged exposure to*
9 *cholinesterase inhibitors or known exposure to cholinesterase*
10 *inhibitors that resulted in illness, the employer shall contract*
11 *with a medical supervisor registered with the Office of*
12 *Environmental Health Hazard Assessment (OEHHA).*
13 (b) A testing laboratory shall report the information specified
14 in subdivision ~~(b)~~ (c) to the Department of Pesticide Regulation.
15 Reports shall be submitted to the Department of Pesticide
16 Regulation on, at a minimum, a monthly basis. For the purpose of
17 meeting the requirements in subdivision ~~(d)~~, (e), the reports shall
18 be submitted via electronic media and formatted in a manner
19 approved by the director. The Department of Pesticide Regulation
20 shall share information from cholinesterase reports with the Office
21 of Environmental Health Hazard Assessment (OEHHA) and the
22 State Department of Public Health on an ongoing basis, in an
23 electronic format, for the purpose of meeting the requirements of
24 subdivisions ~~(e)~~ (f) and ~~(f)~~. (g).

25 ~~(b)~~

(c) The testing laboratory shall report all of the following information in its possession in complying with subdivision (a):

(1) The test results in International Units per milliliter of sample (IU/mL).

(2) The purpose of the test, including baseline or other periodic testing, pursuant to the requirements of Section 6728 of Title 3 of the California Code of Regulations, or evaluation of suspected pesticide illness.

(3) The name of the person tested.

(4) The date of birth of the person tested.

(5) The name, address, and telephone number of the health care provider or medical supervisor who ordered the analysis.

(6) The name, address, and telephone number of the analyzing laboratory.

~~(7) The accession number of the specimen.~~

~~(8)~~

(7) The date that the sample was collected from the person and the date the result was reported.

~~(9)~~

(8) Contact information for the person tested and his or her employer, if known and readily available.

~~(e)~~

(d) The *registered* medical supervisor ordering ~~the a~~ *cholinesterase* test for a person pursuant to subdivision (a) shall note in the test order the purpose of the test, pursuant to paragraph (2) of subdivision ~~(b)~~, (c), and ensure that the person tested ~~receives~~ *and the employer receive* a copy of the cholinesterase test results and any recommendations from the medical supervisor *based upon those results* within 14 days of the medical supervisor ~~receiving the results~~ *supervisor's receipt of the results. The medical supervisor shall report any worker with cholinesterase depression, beyond the threshold defined by Section 6728 of Title 3 of the California Code of Regulations, to the local health officer pursuant to Section 105200.*

~~(d)~~

(e) All information reported pursuant to this section shall be confidential, as provided in Section 100330, except that the OEHHA, the Department of Pesticide Regulation, and the State Department of Public Health may share the information for the purpose of surveillance, case management, investigation,

1 environmental remediation, or abatement with the appropriate
2 county agricultural commissioner and local health officer.

3 (e)

4 (f) The OEHHA shall *establish a procedure for registering and*
5 *deregistering medical supervisors for the purposes of outreach*
6 *and training and may establish reasonable requirements for*
7 *performance. The OEHHA shall review the cholinesterase test*
8 *results and may provide an appropriate medical or toxicological*
9 *consultation to the medical supervisor. In addition to the duties*
10 *performed pursuant to Section 105210, the OEHHA, in consultation*
11 *with the Department of Pesticide Regulation and the local health*
12 *officer, may provide medical and toxicological consultation, as*
13 *appropriate, to the county agricultural commissioner to address*
14 *medical issues related to the investigation of cholinesterase*
15 *inhibitor-related illness.*

16 (f) ~~By December 31, 2015, the~~

17 (g) ~~The Department of Pesticide Regulation and the OEHHA,~~
18 ~~in consultation with the State Department of Public Health, shall~~
19 ~~prepare a report~~ *OEHHA shall prepare and publicly post an update*
20 *on the effectiveness of the medical supervision program and the*
21 *utility of laboratory-based reporting of cholinesterase testing for*
22 *illness surveillance and prevention. The joint report may include*
23 *recommendations to the Legislature that the Department of*
24 *Pesticide Regulation and the OEHHA deem necessary. The*
25 *Department of Pesticide Regulation and the OEHHA shall make*
26 *the report publicly available on their Internet Web sites.* *prevention*
27 *by January 1, 2021.*

28 (g)

29 (h) This section shall remain in effect only until January 1, ~~2019,~~
30 ~~2021,~~ and as of that date is repealed, unless a later enacted statute,
31 that is enacted before January 1, ~~2019, 2021,~~ deletes or extends
32 that date.